

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

EDWARD BRAGGS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO.
)	2:14cv601-MHT
)	(WO)
JEFFERSON S. DUNN, in his)	
official capacity as)	
Commissioner of)	
the Alabama Department of)	
Corrections, et al.,)	
)	
Defendants.)	

PHASE 2A OPINION REGARDING MONITORING ISSUE SCHEDULE

Previously this court granted the plaintiffs' motion for an order to show cause why the defendants should not be held in contempt for failing to comply with mental-health staffing deadlines set by the court, see Phase 2A Understaffing Remedial Order (doc no. 1657), and set an evidentiary hearing, see Phase 2A Opinion and Order Regarding Motion for Order to Show Cause (doc. no. 2030).

On September 19, 2018, the second day of the contempt hearing, the court entered an order continuing

the proceedings "pending acceleration of the consideration and resolution of the remedial issue of monitoring." Phase 2A Order Continuing Contempt Proceedings (doc. no. 2058). As that order expressly states, the court continued the contempt proceedings based on an understanding that the monitoring remedial process would be accelerated. Furthermore, as discussed on the record the second day of the hearing, the expediting of resolution of the monitoring issue also required the postponement of two other remedial issues set for consideration in October 2018: hospital-level care and disciplinary sanctions. See Phase 2A Revised Remedy Scheduling Order (doc. no. 2060).

In short, the acceleration of the monitoring remedial process was at the heart of both the cessation of the September contempt proceedings and the rescheduling of the October consideration of two other remedial matters. The principal reason behind the acceleration of the monitoring remedial process was the court's ever-growing concern, from the evidence

presented in the remedial matters so far, that the monitoring issue needed to be addressed and resolved immediately. The court was concerned that resolution of the issue was not just ripe but overdue. The court will therefore, by separate order, expedite the evidentiary hearing on the monitoring issue from early December to early November 2018--that is, accelerate the hearing by about a month--with the two other otherwise intervening remedial matters postponed to allow the parties to focus more of their time on preparing for the monitoring issue hearing.

DONE, this the 26th day of September, 2018.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE